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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LYNN GEYLA CHAPMAN,

9 Plaintiff,

10 v.

11 NANCY A. BERRYHILL,

12 Defendant.

CASE NO. C16-1546 BAT

**ORDER STRIKING HEARING AND
GRANTING VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

13 The Court set a June 14, 2017 hearing to determine why plaintiff's counsel twice missed
14 briefing deadlines. Dkt. 17. Plaintiff's counsel now seeks to strike the hearing and to voluntarily
15 dismiss this case. Dkt. 18. Counsel states that this voluntary dismissal is requested with
16 plaintiff's knowledge, consent, and understanding. *Id.*, at 1. Counsel suggests that the only
17 reason he missed the last briefing deadline by thirteen days was because he was "re-review[ing]"
18 the case, which was itself filed eight months ago. *Id.*

19 The Court finds that counsel's excuse for failing to file a brief, to seek an extension of
20 time, or to communicate with the court—he did not understand his own case—to be specious and
21 unacceptable. Nonetheless, the Court will take at face value counsel's assertion that plaintiff has
22 made an informed decision to seek voluntary dismissal of this case. The Court therefore
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1 **STRIKES** the hearing scheduled for June 14, 2017, and **GRANTS VOLUNTARY**
2 **DISMISSAL** of this case without prejudice. *See* Fed. R. Civ. P. 41(a)(2).

3 DATED this 13th day of June, 2017.

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6 BRIAN A. TSUCHIDA
United States Magistrate Judge